

REMARKS

Applicant respectfully requests that the above-identified application be re-examined.

Applicant confirms the provisional election made without traverse to elect the prosecution of Group I (Claims 1-8) in a phone conversation between Jeffrey M. Sakoi and the Examiner on 5/17/2005.

Claims 1-20 are pending in the application. Claims 9-20 are withdrawn from further consideration by the Examiner as being drawn to a non-elected invention. Claims 1-5, 7 and 8 have been rejected, and Claim 6 has been objected to. Specifically, Claim 8 was rejected in the June 1, 2005 Office Action (hereinafter "Office Action") under 35 USC § 112 as having insufficient antecedent basis. Claims 1, 3, and 4 were rejected in the Office Action under 35 USC § 102(b) as being fully anticipated by the teachings of U.S. Patent No. 4,040,010 (Crane, et al.). Claims 1, 2, 5, 7, and 8 were rejected in the Office Action under 35 USC § 102(b) as being fully anticipated by the teachings of U.S. Patent No. 5,673,338 (Denenberg et al.). Claim 6 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended Claims 1-8, and added new Claims 21-34. More specifically, Claim 8 was rejected under 35 USC § 112 because it recited the limitation "works" in line 3 and there was insufficient antecedent basis for this limitation in the claim. Applicant has amended Claim 8 to overcome the objection. Specifically, Claim 8 has been amended to delete "works" in lines 2 and 3 and replace them with "work". Thus, applicant submits that the 35 USC § 112 rejection of Claim 8 has been rendered moot.

Prior to discussing in more detail the reasons why applicant believes that amended independent Claim 1 and all the claims dependent therefrom (Claims 3-8) are clearly allowable, a brief description of applicant's invention and a brief description of the teachings of the cited references (Crane et al. and Denenberg et al.) are provided. The following discussions of applicant's invention and the cited references are not provided to define the scope or interpretation of any of the claims of this application. Instead, these discussions are provided to

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help the U.S. Patent and Trademark Office better appreciate important claim distinctions discussed thereafter.

Applicant's Invention:

Applicant's invention provides a work identification system comprising a work storage section configured to store digital data representing the shape, color, and area of an only one work, a collation section configured to calculate a degree of deviation between the digital data representing the shape, color, and area of a target work and the digital data stored in the work storage section, and a test section configured to perform a test of hypothesis based on a predetermined hypothesis using the degree of deviation.

Crane et al. (US Patent 4,040,010):

Crane et al. purportedly discloses a handwriting verification system that allows a user to write his/her signature or any other appropriate group of characters or symbols several times with a special pen. This repeated writing produces signals representative of the writing forces in the plane of the paper and the writing pressure. Parameters are derived from the writing forces, which include average value, energy, timing, number of zero crossings, etc. Average values and standard deviations are obtained for each of these parameters and stored as components of a template vector. In order to compare a later handwriting sample, a measure of the difference between the template vector and the latter handwriting sample vector is calculated. This difference distinguishes the true handwriting from a forgery. If the difference is less than an appropriately selected value, then the handwriting is judged authentic, while if the difference is above such a value then the handwriting is judged a forgery. In contrast, the present invention uses the digital data representing the shape, color, and area of the latter work as parameters to calculate the deviation between the latter work and the work stored in the work storage section.

Denenberg et al. (US Patent No. 5,673,338)

Denenberg et al. purportedly discloses a method and a system for determining the authenticity of an item utilizing images of one or more unique patterns of features, preferably at a microscopic level. The image of this pattern is recorded and stored electronically as data

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representing this unique pattern in a secure storage location. Following this recording and storage, when an item is presented as authentic, it can be examined microscopically at predetermined locations on the item where the original images were taken. Comparison is made at one or more of the sites and a decision is made as to whether the item exhibits substantially identical features to those originally registered, so as to be the same item. The comparison is made electronically, visually, or microscopically. In contrast, the present invention uses the digital data representing the shape, color, and area of the latter work as parameters to calculate the deviation between the latter work and the work stored in the work storage section.

Rejection of Claims 1, 3, and 4 under 35 USC §102(b):

As noted above, Claims 1, 3, and 4 were rejected in the Office Action as being anticipated by Crane et al. (hereafter "Crane"). Applicant respectfully disagrees. As amended, independent Claim 1 reads as follows:

- (1) A work identification system comprising:
 - a work storage configured to store digital data representing a shape, area, and color of an only one work;
 - a collation section configured to calculate a degree of deviation between digital data representing a shape, area, and color of a target work to be identified and the digital data stored in the work storage; and
 - a test section configured to perform a test of hypothesis based on a predetermined hypothesis using the degree of deviation.

As discussed above, Crane does not teach each and every step and limitations of independent Claim 1. In particular, Crane does not teach storing of digital data representing the shape, area, and color of an only one work. Further, Crane does not teach a test of hypothesis based on a predetermined hypothesis using the degree of deviation, which is calculated based on the shape, area, and color of the only one work. In fact, Crane does not have the words "shape", "area", or "color" anywhere in the cited patent. In view of at least the aforementioned differences, Crane does not teach, describe, or suggest the claimed invention, and hence does not claim all the limitations of the present invention.

Since Crane does not teach, describe, or suggest all of the limitations, Crane clearly does not anticipate the subject matter of Claim 1. As a result, applicant submits that this grounds of rejection is in error, and that Claim 1 is clearly allowable. Further, since Claims 3 and 4 depend on allowable base Claim 1, applicant submits that these claims are allowable for at least the same reasons that Claim 1 is allowable.

Rejection of Claims 1, 2, 5, 7, and 8 Under 35 USC §102(b):

As noted above, Claims 1, 2, 5, 7, and 8 are rejected in the Office Action as being anticipated by Denenberg et al. (hereafter "Denenberg"). Applicant respectfully disagrees. Independent Claim 1 has been amended to read as follows:

- (1) A work identification system comprising:
 - a work storage configured to store digital data representing a shape, area, and color of an only one work;
 - a collation section configured to calculate a degree of deviation between digital data representing a shape, area, and color of a target work to be identified and the digital data stored in the work storage; and
 - a test section configured to perform a test of hypothesis based on a predetermined hypothesis using the degree of deviation.

As discussed above, Denenberg does not teach each and every step and limitations of independent Claim 1. Denenberg does not teach storing of digital data representing the shape, area, and color of an only one work. Further, Denenberg does not teach a test of hypothesis based on a predetermined hypothesis using the degree of deviation, which is calculated based on the shape, area, and color of the only one work. In view of at least the aforementioned differences, Denenberg does not teach, describe, or suggest the claimed invention, and hence does not claim all the limitations of the present invention.

Since Denenberg does not teach, describe, or suggest all of the limitations, Denenberg clearly does not anticipate the subject matter of Claim 1. As a result, applicant submits that this grounds of rejection is in error and that Claim 1 is clearly allowable. Further, since Claims 2, 5, 7, and 8 depend on allowable base Claim 1, applicant submits that these claims are allowable for at least the same reasons that Claim 1 is allowable.

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New Claims 21-34:

New Claims 21-34 have been added, of which Claims 21 and 28 are independent. Claim 21 recites the use of digital data representing the shape, color, and area of the latter work as parameters to calculate the degree of deviation between the latter work and the work stored in a work storage. Claim 28 recites the use of digital data representing the color of an only one work as a parameter to calculate the degree of deviation between the later work and the work stored in a work storage. Neither of the cited references, discussed above, teach, describe, or suggest the subject matter recited in Claims 21 and 28, and, therefore these claims together with their dependent claims are believed to be allowable.

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CONCLUSION

In summary, applicant respectfully submits that all of the rejected claims remaining in this application (Claims 1-5, 7, 8) are clearly allowable in view of the teachings of the cited references. Applicant therefore respectfully solicitudes an early and favorable action allowing claims 1-8, and new claims 21-34, and passing this application to issue. If the Examiner has any questions, he is invited to contact applicant's agent at the number set forth below.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: August 31, 2005

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